

# IDAHO Supreme Court

## JUDICIAL/ADMINISTRATIVE NEWS

JANUARY 2005

### Legislative Priorities Outlined

The Idaho Supreme Court recently approved a number of legislative proposals for the 2005 session of the Idaho Legislature. In light of the state's recent budget shortfalls, the Supreme Court limited its Fiscal Year 2006 budget requests to the absolute minimum required to meet the constitutional and statutory responsibilities of the Idaho Courts to resolve disputes fairly and within the time standards adopted by the Supreme Court.

Appropriations are sought to support the following priorities:

1) Resolve disputes fairly and timely through the expanded use of Senior Judges; 2) Certified court interpreter funds in five judicial districts; and 3) the Millennium Fund, at the same level of appropriations as last year.

A recap of "Legislation for Consideration at the 2005 Session of the Legislature," was included in a legislative packet sent recently to all judges and court administrators. Letters also went to Senator Denton Darrington and Representative Debbie Field, chairs of the Senate and House Judiciary Committees, conveying legislation of interest to the Judiciary, and other matters the Legislature may wish to consider. A similar letter was addressed to Governor Kempthorne, transmitting the 2004 Defects in the Laws.

Administrative District Judges were asked to designate a judge or other person to deliver a copy of the legislative packet to each legislator.

### 2005 "State of the Judiciary" Address

Chief Justice Gerald Schroeder delivered his first "State of the Judiciary" address on January 10, following Governor Kempthorne's "State of the State" address. You can reference his "State of the Judiciary" message at <http://www.isc.idaho.gov>.



Chief Justice Gerald Schroeder

### ATR-Idaho Alliance Meeting Held

Providing client choice among substance abuse clinical treatment and recovery support service providers is just one of the National Access to Recovery (ATR) goals. Expanding access to a comprehensive array of clinical treatment and recovery support options (including faith-based programmatic operations) is another. Overall the goal is to increase the substance abuse treatment capacity.



The ATR – Idaho, chaired by Idaho's First Lady, Patricia Kempthorne, with the Idaho Department of Health and Welfare as the lead agency, reflects many of the same goals – expansion of substance abuse treatment capacity, support of client choices, and increases in the array of faith-based, traditional and community based providers for treatment and recovery support services.

The target date to deliver this Access To Recovery clinical and recovery support service to clients is May 2005.

There are eight subcommittees within the program:

- ♣ Distribution of Funds
- ♣ Participant Eligibility
- ♣ Recovery Support Provider Approval Standards
- ♣ Continuous Quality Improvement/Measuring Performance & Impact
- ♣ Tribal Services Outreach
- ♣ Hispanic/Latino Outreach
- ♣ Faith-Based Outreach
- ♣ Rural/Frontier Service Delivery



### **New Clerk of the Supreme Court and Court of Appeals Appointed**

Chief Justice Gerald Schroeder announced the appointment of Stephen W. Kenyon as the Clerk of the Supreme Court and Court of Appeals. The full court participated in the selection of the new clerk, to succeed Fred Lyon, who retired after 22 years of service in this position.

Kenyon served as the Deputy State Controller in the State Controller's Office where he oversaw the State of Idaho Payroll Processing Center. He was responsible for federal and state employee tax compliance and in-house counsel for the State Controller, and directly supervised a staff of 17 employees. Mr. Kenyon obtained his Juris Doctorate from the University of Idaho College of Law and is a Certified Public Accountant. Mr. Kenyon started as the Clerk of the Supreme Court and Court of Appeals December 2004, providing a transition period before Lyon's retirement date.

### **Justice Kidwell Honored**

A ceremony was held at the Idaho Supreme Court in December to honor retiring Justice Wayne L. Kidwell for his dedicated service to all three branches of Idaho state government. A reception for family and friends followed the ceremony.



### **Magistrate Judge Named in Clearwater County**

The Second District Magistrates Commission appointed Randall W. Robinson of Lewiston as the new Magistrate Judge for Clearwater County. He replaces retiring Judge Orin Lee Squire. Judge Robinson's term of office commenced January 2005.

Robinson was the Managing Attorney of Idaho Legal Aid Services in Lewiston and is a 1978 graduate of the University of Illinois Law School. He was a recipient of the Idaho State Bar's Professionalism Award in 1997, and received the Idaho Legal Aid Services Justice Achievement Award in 1994.

### **Fred Lyon Feted**

The Idaho Supreme Court was the site of a retirement reception for Fred Lyon, Clerk – Supreme Court / Court of Appeals. Each member of the Court, as well as Chief Judge of the Court of Appeals, Karen Lansing, honored Fred and his dedicated service with special remarks.

Magistrate Judge Randall Robinson has been admitted to practice in Idaho, in Federal District Court, in the 9th Circuit Court of Appeals and in the Nez Perce Tribal Court. He has written articles for *Hard Times*, the quarterly newsletter of Idaho Legal Aid Services, and for *The Advocate*, the magazine of the Idaho State Bar.

## Court Interpreters Pass Exam

Phase II of the certification exam for the Spanish language was administered to three candidates on November 6, 2004.

Jared Clark of Meridian, Mauricio Save of Twin Falls, and Karla Young, who lives in Oregon, successfully completed the exam process and are now considered Certified Court Interpreters for the Spanish language.

Contact information for all three interpreters is available on the Roster for Certified Court Interpreters for the Spanish Language located on the Court's home page: [http://www.isc.idaho.gov/intpret\\_cov.htm](http://www.isc.idaho.gov/intpret_cov.htm).

Planning is underway for training and testing in 2005. The new schedule was recently distributed. If you have any questions regarding the Court Interpreter Training and Certification Program, please feel free to contact Janica Bisharat at 801-763-7930 or [jbisharat@qwest.net](mailto:jbisharat@qwest.net).

## Ada County Magistrate Judge Chosen

The Magistrate Commission for the Fourth Judicial District has appointed Michael J. Reardon to replace retiring Judge Thomas Morden.

Reardon has been in private practice since 1995, maintaining a general practice with emphasis on criminal defense, personal injury, contracts, domestic relations, collections, and wills and estates.

From 1988 to 1995, soon to be Judge Reardon, served as a Deputy Prosecuting Attorney for the Ada County Prosecutor's Office. During

this service, Reardon occupied several positions including General Criminal Deputy, Chief Magistrate Division, Chief Intake and Screening Unit, Chief Vulnerable Victim Unit and Training Coordinator. Earlier in 1988, he served as Deputy Prosecuting Attorney for Kootenai County, handling felony and misdemeanor criminal cases. Mr. Reardon served as Deputy Attorney General in 1987 representing State Government clients, State Hospital South, State Hospital North, Idaho State School and Hospital and Idaho Youth Services Center.

Reardon holds a Bachelor's Degree in Criminal Justice Systems Administration from Alvernia College where he was on the Dean's List. He has a Juris Doctorate from the University of Idaho.

## Judge Morfitt Re-elected

Third Judicial District Judges met in November 2004 and re-elected Judge James C. Morfitt to a three-year term as Administrative District Judge for the district.

## Judge Ryan Receives Shuler Award

Tom Ryan, Owyhee County Magistrate Judge, was honored at the recent Idaho Juvenile Justice Association Conference with the John Shuler Award. The award is given to an individual who directly impacts youth and is viewed by others as exuding excellence in service delivery to children and their families. Judge Ryan serves on the Idaho Juvenile Justice Commission, the Third District Juvenile Justice Council and oversees the District's Youth Court. Congratulations Judge Ryan!

# Important Websites



- ⚖️ **Idaho Supreme Court:** <http://www.isc.idaho.gov>
- ⚖️ **Idaho State Law Library:** <http://www.isll.idaho.gov>
- ⚖️ **Idaho State Bar:** <http://www.idaho.gov/isb>
- ⚖️ **Court Assistance Offices:** <http://www2.state.id.us/cao>
- ⚖️ **Idaho Law Foundation 2003 – 2004 Annual Report Online:** [http://www2.state.id.us/isb/gen/ilf\\_info.htm#AnnRpt](http://www2.state.id.us/isb/gen/ilf_info.htm#AnnRpt)
- ⚖️ **National Center for State Courts:** <http://www.ncsconline.org>
- ⚖️ **State of Idaho's Official Website Gets a New Address and Appearance**  
Check out the state's new website, now at: <http://www.state.id.us/>.
- ⚖️ **AJS Launches Website on the Jury**  
The National Jury Center of the American Judicature Society has launched its new website.  
Visit: <http://www.ajs.org> and click on *Jury Center*



### Distance Learning Held

The Fall Distance Learning Program was held on October 29, 2004 with over 100 clerks and deputy clerks joining via video-conference in all seven judicial districts.

Training topics included procedural issues on the Family Law Case Information Sheet and No Contact Orders as well as an update on new ISTARs implementation and the data warehouse.



In addition, Dale Woodcock from the Federal Courts provided important information on personal and mail security to the clerks while John Miller, Ada County Risk Management, discussed safety issues when handling exhibits. The program was videotaped and copies of the video are available by contacting Sharon Burke at 208-947-7409 or sburke@idcourts.net. The next program is planned for October 2005.

### District Judges Seminar Set for January 18-21, 2005

The annual District Judges Seminar will be held January 18-21. Once again this year a very helpful and substantive program is anticipated. Please direct any questions about the Seminar to Judge Lowell Castleton, lcastleton@idcourts.net, or at 208-371-9370.



### Reminder About Hotel Reservations

There have been several "No Show" hotel charges for Supreme Court Committee members recently. The Supreme Court is responsible for payment of "No Show" costs. It is important each committee member make sure his or her hotel room has been cancelled if they do not attend a committee meeting. If you are canceling at the last minute, please contact court staff personally; otherwise contact the hotel directly. Have the hotel fax to our office a copy of the cancellation confirmation prior to the committee meeting. Hotel rates have just

been raised in the Boise area and it is now more important than ever to be diligent in making sure our hotel accommodations are taken care.

### Employee Handbook

The Employee Group Insurance Handbook Summary is now available. If you would like a copy, please call the Court Services Office at 208-334-2248 and one will be mailed to you.



## New Orders & Rule Changes

For current New Orders or Rule Changes, go to <http://www.isc.idaho.gov/rulesamd.htm>





### **State Court – Federal Court Judges Meet**

The State/Federal Judicial Council met on November 16 to discuss a variety of mutual issues of interest. Among the highlights:

- ⚖️ **Federal Court Judgeship:** Chief Judge Lynn Winmill reported that the prospect of another District Judgeship has been delayed because an amendment to split the Ninth Circuit was added to the judgeship bill.
- ⚖️ **State/Federal Training:** As a result of calendar conflicts, the federal court will not be able to participate in the State District Judge training program in January. However, both the state and federal courts will work together in planning the 2006 program.
- ⚖️ **Spanish Programs:** Magistrate Judge Mikel Williams reported that the federal court was converting most criminal forms into Spanish. Defendants will read and sign the Spanish form and this will be attached to the English form.
- ⚖️ **Media Outreach:** The Council discussed various methods used by the state and federal courts to provide outreach to the media. It was generally agreed that partnering on these efforts may be beneficial.
- ⚖️ **Bar Admission:** Chief Justice Gerald Schroeder indicated that the Supreme Court would like to continue its Bar admission programs because it is an excellent outreach program for the Bar and community. The possibility of joint admissions program may be reviewed in the future.

### **IN RE: Membership of Evidence Rules Advisory Committee**

Melissa Moody is appointed a member of the Evidence Rules Advisory Committee for a six year term.

### **IN RE: Membership of Criminal Rules Advisory Committee**

Scott James is appointed a member of the Criminal Rules Advisory Committee for a six year term.

### **IN RE: Membership of Children and Families in the Court Committee**

Honorable Michael Redman is appointed a member of the Children and Families in the Courts Committee.

### **IN RE: Membership of Misdemeanor/Infraction Rules Advisory Committee**

Honorable Barry Watson is appointed Chair of the Misdemeanor/Infraction Rules Advisory Committee and the Honorable Michael Oths and Rebekah Cude are appointed as members for six year terms; and the Honorable Timothy Hansen and the Honorable Robert Elgee are released from the duties of this committee.

### **IN RE: Membership of Media/Courts Committee**

Honorable Barry Wood is released from the duties associated with the Media/Courts Committee, and the Honorable Ron Bush is appointed as a member of said committee.

### **Juvenile Justice Advisory Team Meets**

The Juvenile Justice Advisory Team met in October, preceding the Magistrate Judges Institute, to discuss issues related to juvenile justice in Idaho. The team, chaired by Camas County Magistrate Judge John Varin, included Judges from each judicial district.

The Juvenile Justice Advisory Team, as well as interested judges from around the state, joined with representatives from Department of Juvenile Correction, Idaho Department of Health and Welfare, the Governor's Office and the Office of Legislative Services for the review.



## Ad Hoc Committee

The Ad Hoc County/Courts Shared Employee Committee has been meeting regularly to discuss management and liability issues related to employees that have both county and court job responsibilities, including reporting relationships.

The Idaho Association of Counties (IAC) has dedicated a portion of their website to the work products of the Committee. The IAC home page is [www.idcounties.org](http://www.idcounties.org).

The link for the Shared Employee Committee is located under the Resources Section of the website. If you have any questions, please call Sharon Burke at 208-947-7409 or email [sburke@idcourts.net](mailto:sburke@idcourts.net).

## Mental Health Courts

On October 22, a group of key stakeholders met at the Supreme Court to review the current status of Mental Health Courts nationally and in Idaho, reviewing the early outcomes of the Idaho effort.

Idaho now has three Mental Health Drug Courts, two handling felony cases (Bonneville and Kootenai Counties) and one in Bonneville County that handles misdemeanor cases. Planning is underway for a Mental Health Court in Ada County as well.



## Drug Courts Focus on Effectiveness

A growing body of research points to practices that are most likely to lead to positive outcomes for drug court participants - reduced drug use and lowered recidivism. These evidence-based practices include:

- ⚖ use of standardized, criminogenic risk and needs assessment;
- ⚖ acceptance of medium to high risk offenders into drug court;
- ⚖ regular progress hearings before the judge;
- ⚖ effective use of sanctions and incentives;
- ⚖ use of proven effective treatment interventions;
- ⚖ provision of structured aftercare services; and
- ⚖ implementing quality assurance and ongoing outcome evaluation.

Two recent process evaluation surveys showed that Idaho drug courts emphasize admission of participants who score in the medium to high criminogenic risk level on the LSI-R (a validated and standardized risk assessment instrument). A growing body of research, including studies carried out by Dr. Edward Latessa, Head of the Criminal Justice Department at the University of Cincinnati, and Idaho drug court evaluator, consistently show that high-intensity interventions, such as drug court, have the most positive impact on the high-risk participant. Conversely, such interventions have been shown to increase recidivism for low-risk participants.

Targeting offenders with medium or high LSI scores allows drug courts to tailor treatment to address the common characteristics of this participant group, including the most important risk factor, antisocial

attitudes, values and beliefs. Drug courts carefully consider the LSI-R assessment in selecting participants and work with the Department of Health and Welfare and the Department of Correction to provide training to treatment providers in interpreting and using the results of the LSI in more comprehensive treatment planning for drug court participants.

Finally, focus on the high-risk population assures a greater benefit-versus-cost comparison, with scarce resources being used to impact those most likely to face a prison sentence as well as to commit future criminal offenses.

## 2nd District's Family Drug Court Planning Team Headed for Training

The Second District's family drug court planning team has been selected to participate in the national family drug court planning and training initiative. This three-part training provides thorough training for family drug court team members and an opportunity to visit a successful family drug court somewhere in the United States.

The training also prepares the team to develop an effective family drug court and compete for grant funding for implementation. Team members include: Magistrate Judge Jay Gaskill; Alfred Cole, Family Court Services; Mary Jo Murdie, Department of Health and Welfare; Phil Waggoner, Director, Riverside Recovery; Jim McCracken, Lewis & Clark State College Center for New Directions; Daniel J. Spickler, Nez Perce County Prosecuting Attorney; William J. Fitzgerald, Public Defender; and Caren Adams, Guardian Ad Litem/CASA.

## Juvenile Drug Court

Meri Bybee and Karen Carlson, representing the Seventh Judicial District, were invited to present information on the juvenile drug court and other juvenile services in the Seventh District at a recent conference of the Search Institute.

The Search Institute is a major national prevention and youth services organization focusing on the asset model of youth development. The conference drew over 2000 participants and Meri and Karen reported that Idaho was viewed as a progressive provider of youth programs.



## Ada County Drug Court

Ada County's Adult Felony Drug Court recently recognized its thirtieth graduating class on November 3, 2004. With this graduating class of sixteen, a total of 266 individuals have graduated from the Ada County Drug Court.

The typical graduate completes drug court in just over 16 months. The graduates to date have had a combined total of 4,549 years of use - an average of more than 17 years of drug use for each graduate. Their combined drug use represents a total street value in the amount of \$34,369 per day - an average of \$130.68 per day, per person.

At the time of program entry, only 45% of the graduates were employed. At graduation, 96% of the graduates were employed. The 11 graduates not employed at graduation were enrolled in school full-time, doing volunteer work due to a disability, or in the case of one graduate - on maternity leave with a newborn.

The economic impact of the Ada County graduates' increased wages is more than \$3.1 million annually or nearly \$12,000 per person, per year. The average rise in hourly wages per graduate is \$5.24 per hour. Sixty-six of the Ada County Adult Felony Drug Court graduates returned to school to work on completing their G.E.D. or attend college during their time in the drug court program. Twenty-three drug free babies have been born to program participants.

## Drug Court Institute Set For May

The fourth annual Drug Court Institute will be held in Boise, May 16-19, 2005 in conjunction with the Idaho Conference on Alcohol and Drug Dependency. Some funds will be available to support attendance of drug court judges and other drug court team members from each district, with details of financial support to be provided in the near future.

You can download the brochure for the conference, with all related registration information. Just go to [www.nta-yes.com](http://www.nta-yes.com) and hit the "scheduled conferences" heading at the bottom of the home page.

# Odds & Ends



## Judicial Council Opinion

The Judicial Council was asked to offer guidance concerning communication between the Court and Family Court Services Coordinators and case managers who might be recommending specific case management tracks for resolution in family law cases. The Advisory Opinion from the Idaho Judicial Council was distributed and will also be available on the Judges CD.



## New IAC Website

The Idaho Association of Counties (IAC) has a new and improved IAC website, located at <http://www.idcounties.org/>

## Governor's Children & Family Roundtables Set

Mark your calendars!

- Region 1: Sandpoint – Friday, March 18
- Region 2: Lewiston – Wednesday, May 4
- Region 3: Cascade – Thursday, May 5
- Region 4: Mountain Home – Thursday, March 24
- Region 5: Twin Falls – Wednesday, May 25
- Regions 6 & 7: Idaho Falls – evening of Wednesday, April 27 and all day Thursday, April 28

Minutes of the November 19th Guardianship/Conservatorship Interim Committee are available online at:  
<http://www.legislature.idaho.gov/sessioninfo/2004/interim/guardian1119min.pdf>



## TIRED OF LOOKING FOR THE MOST CURRENT INFORMATION FOR ATTORNEYS?

Sharee Sprague, of Power County, has recommended this website to find out the most correct and most current information re: the attorney listing, [http://www2.state.id.us/isb/mem/attorney\\_roster.asp](http://www2.state.id.us/isb/mem/attorney_roster.asp)



You will type in the last name of the attorney that you are attempting to locate, and let the search menu do the work. If you type in the entire name, and it is not an exact match (i.e. middle name instead of middle initial) you will not get a match.

Sharee says, "This gives you the search screen and then you type in the attorney name and it gives you the updated information - I LOVE THIS SITE."

## ISTARS LICENSES????

Just a reminder that you can sign into more than one ISTARS session on a single work station and only use one license. If you want to sign on to 2 sessions at your desk each morning - a "working session" and a "look-up session" for assisting the public with their calls, etc., feel free to do so.

The thing to know is if you sign on to more than one session from more than one workstation location you WILL use multiple licenses. i.e. if you sign on at your desk, at the counter, and in a courtroom all at the same time, you will be using 3 licenses.

## SMALL LAWSUIT RESOLUTION ACT EVALUATORS

As you know upon initiation of a "Small Lawsuit Resolution Act Case" the clerk is required to provide a list of mediators to the parties (unless a mediator has been agreed upon by the parties). Just a reminder to the deputy clerks regarding the link where the evaluators can be found. A list of evaluators must be provided to all parties. To obtain the names for this list you can go to this source.

[http://www.isc.idaho.gov/county\\_tbl.htm](http://www.isc.idaho.gov/county_tbl.htm)



## Out of Country Drivers!

I was recently asked how to best indicate, for ITD (Idaho Department of Transportation), when a drivers license is not from this country. That prompted some serious research on our part and on the part of ITD.



Darcy McFarland of ITD says, "The best way to report the citation is by putting "xx" in the drivers license state field. By using the x's it would be less confusing (i.e., accidentally putting in NE instead of NR would require sending it on to Nebraska).

"When the citation is uploaded it will go onto my not-posted report. I can then look up the defendant's name manually and see if he had any prior offenses in the state of Idaho."

To enable us to all comply with this request we ask the lead clerk for each county to go into your table setup, then to general tables, then to states and add this new information as per the example below.



Now that the setup is done, it is important to remember to insert the xx in the drivers license state field when the license is from another country. Pass the word along! Questions? Call Julie or Kim 208-334-3868.



**JUDICIAL/ADMINISTRATIVE NEWS**  
is published by the Idaho Supreme Court.

Chief Justice Gerald F. Schroeder

Justice Linda Copple Trout

Justice Daniel T. Eismann

Justice Roger S. Burdick

Justice Jim Jones

We are very interested in your news and information. If you have or are aware of items that should be featured in a future edition of Judicial/Administrative News please let us know!

News items may be submitted for publication to Patricia Tobias:

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**Boise, ID 83702**  
**Phone: 208-334-2246**  
**FAX: 208-947-7590**  
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Thanks!



**Note:** For the most up-to-date Judicial Calendar, check the Judiciary's homepage at <http://www.isc.idaho.gov/calendar.htm>